

Guard to complete a comparative business case analysis to determine how we can revitalize icebreaking fleet while maximizing taxpayer dollars. This study was due on October 15, and today I have come to the floor because the law is being ignored. The Coast Guard and OMB have failed to deliver this report that I remind you was required by law to be delivered to Congress days ago.

Even more distressing to me is that the Coast Guard is moving forward with decommissioning one of only two of our Nation's heavy duty icebreakers. We think this is unwise, and it is exactly why the Congress required a study of such an action. Surely the administration isn't simply choosing to flout the law by moving forward before this cost-benefit analysis has been completed or reviewed by Congress.

So I know Heather Higginbottom is probably keenly interested in the debate going on here today, and I hope that if she is listening and if she is confirmed as the Deputy Director of OMB, she will take this leadership opportunity to transform the way OMB does its business. It is time for OMB to stop holding up congressionally directed reports. I know there are a lot of smart people over at OMB, and they may not always like the people and their representatives questioning their judgment. However, even OMB must follow the law, and in this case they must deliver the business case analysis to Congress immediately. Some of the folks over at OMB may not agree with the Congress that polar icebreaker assets should be a priority. And while everyone is entitled to their opinion, even if it illustrates a complete lack of understanding of our national security needs, in our system of government Congress makes the laws, and at least this Senator expects them to be followed.

Mr. KERRY. With the consent of the other side, all time will be yielded back.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget?

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 64, nays 36, as follows:

[Rollcall Vote No. 171 Ex.]

YEAS—64

Akaka	Carper	Hagan
Alexander	Casey	Harkin
Baucus	Collins	Inouye
Begich	Conrad	Johanns
Bennet	Coons	Johnson (SD)
Bingaman	Corker	Kerry
Blumenthal	Durbin	Klobuchar
Boxer	Feinstein	Kohl
Brown (OH)	Franken	Kyl
Cantwell	Gillibrand	Landrieu
Cardin	Graham	Lautenberg

Leahy	Nelson (NE)	Stabenow
Levin	Nelson (FL)	Tester
Lieberman	Portman	Toomey
Manchin	Pryor	Udall (CO)
McCaskill	Reed	Udall (NM)
Menendez	Reid	Warner
Merkley	Rockefeller	Webb
Mikulski	Sanders	Whitehouse
Moran	Schumer	Wyden
Murkowski	Shaheen	
Murray	Snowe	

NAYS—36

Ayotte	DeMint	Lugar
Barrasso	Enzi	McCain
Blunt	Grassley	McConnell
Boozman	Hatch	Paul
Brown (MA)	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johnson (WI)	Thune
Cornyn	Kirk	Vitter
Crapo	Lee	Wicker

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2012—Continued

AMENDMENT NO. 769

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote in relation to the amendment, as modified, by the Senator from Louisiana, Mr. VITTER.

Who yields time? The Senator from Louisiana.

Mr. VITTER. Mr. President, this amendment is bipartisan. I thank the bipartisan coauthors. The amendment would allow the reimportation of small, personal use quantities of safe FDA-approved prescription drugs from Canada only. It is a very modest amendment. It is for personal use only, not large quantities, no wholesalers, Canada only, no biologics, and no controlled dangerous substances. It is essentially identical to an amendment we passed on a bipartisan basis in the last Senate.

I urge a strong vote in favor of this.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I oppose this amendment. First, it is a budget buster. To enforce this will take enormous amounts of resources. You cannot be sure that that drug coming from Canada is not a counterfeit, lethal death drug. You don't have any enforcement procedures in here, you don't have the money to enforce it, and we have a history of phony drugs coming into rogue Web sites through counterfeit countries.

If you want a drug that has been made in a country that we view as

predators toward the United States, when you take your Coumadin, when you want your wife to take her breast cancer drug, when your daughter is going to take that birth control bill, then you want the Vitter amendment. But if you want safety, then defeat the amendment.

Ms. SNOWE. Mr. President, today I wish to support Senator VITTER's amendment regarding drug importation from Canada. Senator VITTER has been a tremendous partner and tireless advocate in supporting the comprehensive drug importation legislation Senator STABENOW and I introduced earlier this year—the Pharmaceutical Market Access and Drug Safety Act—which now has 20 additional cosponsors.

The time for enactment of comprehensive drug importation legislation is certainly long overdue—and the critical necessity for this legislation is actually greater . . . not less, particularly for those struggling in this economic environment. Over the past decade, among working age adults—only those with Medicare coverage saw any improvement in their ability to fill their prescriptions. All others saw a rise in their inability to obtain needed medications. Among the uninsured more than 1 in 3 individuals went without a required prescription—and in those with chronic disease that number doubles.

At the same time, according to AARP, over the last 5 years, the retail prices for the most popular brand-name drugs increased 41.5 percent, while the consumer price index rose 13.3 percent. So despite manufacturer assistance programs—despite the increased use of generics—the high and escalating cost of brand-name drugs is directly impacting the health of millions. Americans have learned that other countries use the very same medications which we do, made in the very same plants, yet pay considerably less.

I look forward to working with my colleagues, as well as the FDA, on opportunities to advance comprehensive drug importation legislation in the months ahead. Not only does my legislation expand access to imported drugs in countries with comparable levels of regulation and oversight, but it also establishes a higher level of safety than exists today for prescription drugs sold domestically—including employing anticounterfeiting technologies and drug pedigrees to ensure the integrity of medications. In fact, it was the first to provide FDA with the resources to improve its inspection of foreign drug plants, many of which today produce medications marketed here by U.S. firms which consumers assume to be "domestic". CBO estimates the Federal Government alone would save \$19.4 billion, so the savings from drug importation are undeniable and I hope that the Joint Select Committee on Deficit Reduction strongly considers this option.

Until that time, Senator VITTER's legislation, which allows for personal